

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

COMMODITIES EXPORT COMPANY,

Plaintiff/Counter-Defendant,

v.

Case No. 09-CV-11060-DT

CITY OF DETROIT, UNITED STATES OF
AMERICA,

Defendants/Cross-Defendants,

and

DETROIT INTERNATIONAL BRIDGE
COMPANY,

Defendant/Counter-Plaintiff/Cross-
Plaintiff/Third Party Plaintiff,

v.

WALTER LUBIENSKI and DEAN AYLES,

Third Party Defendants.

**ORDER STRIKING DETROIT INTERNATIONAL BRIDGE COMPANY'S IMPROPER
RESPONSE BRIEF AND HOLDING IN ABEYANCE
PLAINTIFF'S RENEWED MOTION FOR PERMANENT INJUNCTION**

On February 5, 2010, Plaintiff Commodities Export Company filed a "Renewed Motion for a Permanent Injunction and a Declaratory Judgment." On February 26, 2010, Detroit International Bridge Company ("DIBC") filed its response in opposition to the motion. The response purports to incorporate by reference all of DIBC's arguments contained in the other two response briefs DIBC filed on February 26, 2010, as well as the arguments contained within DIBC's February 26, 2010 motion for summary judgment. This court does not allow briefs to incorporate by reference arguments from

other briefs. Not only does such a practice make it cumbersome to analyze motions, but it circumvents the briefing and page limit requirements set forth in the local rules. See E.D. Mich. LR 7.1. Therefore, the court will strike the response and order DIBC to file, at a later date, a proper response brief.

However, there are currently pending before the court three other potentially (partially) dispositive motions: two filed against DIBC and one filed by DIBC. Upon preliminary review of those briefs, the court finds that it is most efficient to first resolve those motions before proceeding to the merits of Plaintiff's renewed motion for permanent injunction. Indeed, the outcome of the other pending motions could control, at least in part, the outcome of Plaintiff's motion. The court will thus hold Plaintiff's renewed motion in abeyance pending resolution of the other motions. Additionally, because the resolution of the other motions could and likely will alter the landscape of the issues presented in Plaintiff's renewed motion, the court will order that the briefing on the motion be suspended until the other motions are resolved. Accordingly,

IT IS ORDERED that DIBC's February 26, 2010 response [Dkt. # 67] to Plaintiff's "Renewed Motion for a Permanent Injunction and a Declaratory Judgment" is hereby STRICKEN from the docket of this court.

IT IS FURTHER ORDERED that Plaintiff's "Renewed Motion for a Permanent Injunction and a Declaratory Judgment" [Dkt. # 57] is HELD IN ABEYANCE pending the court's resolution of the other pending motions. No further briefs shall be filed related to Plaintiff's renewed motion until further order of the court.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 5, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 5, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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